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Attorney Docket No. 5325-0162.30

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Uster, et al.

APPLICATION No.: 09/498,704

FILED: February 7, 2000

FOR: LIPOSOME COMPOSITION AND METHOD  
FOR ADMINISTRATION OF A  
RADIOSENSITIZER

EXAMINER: Kishore

ART UNIT: 1615

CONF. No: 9201

**Transmittal of Amendment Under 37 C.F.R. § 1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 01 2003

OFFICE OF PETITIONS

Sir:

1. Transmitted herewith are the following:

- ☒ An Amendment Under 37 CFR 1.111
- ☒ Copies of marked references
- ☒ A Petition to Revive Unintentionally Abandoned Application
- ☒ Copy of Notice of Improper Request for Continued Examination (RCE)

2. Conditional Petition for Extension of Time:

An Extension of Time is requested to provide for timely filing if necessary for timely filing of this transmittal and enclosures.

3. Provisional Fee Authorization

Please charge any underpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 01-1173.

Respectfully submitted,

Date: 23 JUNE 2003

Paul B. Simboli  
Registration No. 38,616

**Correspondence Address:**

ALZA Corporation  
1900 Charleston Road  
P.O. Box 7210, M10-3  
Mountain View, CA 94039-7210



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



COPY

DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10-7-02 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Coralia Betancourt, Examining Group 1615

(703) 30 8 - 3570

FORM PTO-2051 (Rev. 3/2001)

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